

REMARKS

The Official Action dated September 9, 2005 has been carefully considered. It is believed that the Terminal Disclaimer submitted herewith, taken with the following remarks, place this application in condition for allowance. Reconsideration is respectfully requested.

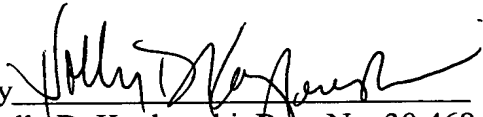
Initially, Applicants submit that the finality of the Official Action dated September 9, 2005 is improper. That is, a Notice of Allowance was issued in this application on May 20, 2005. The application was then withdrawn from issue by action of the office, after which the Official Action of September 9, 2005 was issued, setting forth a new rejection which was not necessitated by any action by the Applicants. Accordingly, in the event that the present application is not in condition for allowance, withdrawal of the finality of the Official Action of September 9, 2005 is warranted and is respectfully requested.

In the Official Action, claims 1-20 were rejected under the judicially created doctrine of obviousness-double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,680,181. The Examiner asserted that while the conflicting claims are not identical, they are not patentably distinct from each other.

This rejection is traversed. However, to expedite prosecution, submitted herewith is a Terminal Disclaimer which disclaims the terminal part of any patent issuing on the present application which would extend beyond the expiration date of U.S. Patent No. 6,680,181 B2, as detailed in the Terminal Disclaimer. The filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection, *Quad Environmental Technologies v. Union Sanitary District*, 20 U.S.P.Q. 2d 1392 (Fed. Cir. 1991). Accordingly, the rejection under the judicially created doctrine of obviousness-double patenting has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

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